

# Notice of Allowability

Application No.

09/606,910

Examiner

Stephen L. Rawlings, Ph.D.

Applicant(s)

KARSTEN ET AL.

Art Unit

1643

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 22 November 2006 and 18 June 2007.
2. ☒ The allowed claim(s) is/are 27-31 and 33-37.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All b) ☐ Some\* c) ☐ None of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 20070805.
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

/Stephen L. Rawlings/  
Stephen L. Rawlings, Ph.D.  
Primary Examiner, Art Unit 1643

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for this examiner's amendment was given in a telephone interview with Duane A. Stewart, III on August 8, 2007.
3. The application has been amended as follows:

In the claims:

The following set of claims has replaced the set of claims submitted as part of the amendment filed November 22, 2006:

Claims 1-24. (Cancelled).

Claims 25 and 26. (Not entered).

Claim 27. (Previously Presented) A synthetic peptide consisting of: (a) the amino acid sequence of SEQ ID NO: 4, wherein the sequence PDTRPAP (SEQ ID NO: 1) is glycosylated at the threonine residue; or (b) the amino acid sequence of SEQ ID NO: 5, wherein said the sequence PDTRPAP (SEQ. ID NO: 1) is glycosylated at the threonine residue.

Claim 28. (Previously Presented) The synthetic peptide of claim 27, wherein the glycosylation of the threonine of the PDTRPAP (SEQ ID NO: 1) is a monosaccharide.

Claim 29. (Previously Presented) The synthetic peptide of claim 27, wherein the glycosylation of the threonine of the PDTRPAP (SEQ ID NO: 1) is a  $\alpha$ -N-acetylgalactosamine (GalNAc).

Claim 30. (Previously Presented) The synthetic peptide of claim 27, wherein the glycosylation of the threonine of the PDTRPAP (SEQ ID NO: 1) is a short-chained oligosaccharide.

Claim 31. (Currently Amended) The synthetic peptide of claim 27, wherein the glycosylation of the threonine of the PDTRPAP (SEQ ID NO: 1) is the disaccharide ~~Gal $\beta$ -1,3GalNAc $\alpha$~~  Gal $\beta$ -1,3GalNAc.

Claim 32. (Cancelled).

Claim 33. (Currently Amended) The synthetic peptide of claim ~~[[32]]~~ 37, wherein the glycosylation of the threonine of each PDTRPAP (SEQ ID NO: 1) is a monosaccharide.

Claim 34. (Currently Amended) The synthetic peptide of claim ~~[[[32]]~~ 37, wherein the glycosylation of the threonine of each PDTRPAP (SEQ ID NO: 1) is a  $\alpha$ -N-acetylgalactosamine (GalNAc).

Claim 35. (Currently Amended) The synthetic peptide of claim ~~[[32]]~~ 37, wherein the glycosylation of the threonine of each PDTRPAP (SEQ ID NO: 1) is a short-chained oligosaccharide.

Claim 36. (Currently Amended) The synthetic peptide of claim ~~[[32]]~~ 37,

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wherein the glycosylation of the threonine of each PDTRPAP (SEQ ID NO: 1) is the disaccharide ~~Gal $\beta$ -1,3GalNAc $\alpha$~~  Gal $\beta$ -1,3GalNAc.

Claim 37. (Currently Amended) A synthetic peptide consisting of: (a) at least one tandem repeat of the amino acid sequence of SEQ ID NO: 4, wherein of the sequence PDTRPAP (SEQ ID NO: 1) is glycosylated at the threonine residue; or (b) at least one tandem repeat of the amino acid sequence of SEQ ID NO: 5 wherein the sequence PDTRPAP (SEQ ID NO: 1) is glycosylated at the ~~threanine~~ threonine residue.

#### **Conclusion**

4. Claims 27-31 and 33-37 have been allowed.
5. Claims 27-31 and 33-37 have been renumbered as claims 1-5, 7-10, and 6, respectively.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen L. Rawlings, Ph.D. whose telephone number is (571) 272-0836. The examiner can normally be reached on Monday-Friday, 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Larry Helms, Ph.D. can be reached on (571) 272-0832. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stephen L. Rawlings/  
Stephen L. Rawlings, Ph.D.  
Primary Examiner  
Art Unit 1643

slr  
August 8, 2007